1949.

File No. O. Excommunication/49

Legal

DEPARTMENT

A **BRANCH**

Subject:—

Opinions under the Bombay Prevention of Excommunication Act 1949

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Legal Department

It is stated that the Gugali Brahmins intend to excommunicate Shri Thakar leaving him and his family out of the "collective" dinner in the near future. He therefore requests from Government protection against such anti-social traditions of the Community. The expression "ex-communication" has been defined in clause 2 (b) of the Bombay Prevention of Excommunicatior Bill, 1949, to mean expulsion of a person from any community of which he is a member depriving him of rights and privileges which are legally enforceable by a suit of civil nature by him or on his behalf as such member. Under the Bill only legally enforceable rights are protected. The right of invitation to a caste dinner is a purely social right. Such a right is not a civil right and is not enforceable in a cour of law (I.L.R. 15 Bom. 599). It is only the infringement of civil rights that is made penal under the Excommunication Bill. Even if the Bill is passed into law, no action would be maintainable against the persons concerned in this case. No action can be taken also under the Bombay Harijan (Removal of Social Disabilities) Act, 1946.

Id/- 14/10

Additional Secretary to Government.

U.R. to E.D. No. 2261 dated the 14th October 1949